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Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Docket No.: 10990763-1  
(PATENT)

# 15/E  
WM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Daniel W. Hepner, et al.

Confirmation No.: 6218

Application No.: 09/422,998

Art Unit: 2172

Filed: October 21, 1999

Examiner: H. Pham

For: METHOD AND APPARATUS FOR  
NOTIFICATION OF USER WHEN CHANGES  
HAVE OCCURRED IN COMPLEX  
DERIVATIONS OF DATA

**RECEIVED**

DEC 23 2003

Technology Center 2100

**AMENDMENT**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**APPLICANT'S RECORD UNDER M.P.E.P. § 713.04 OF INTERVIEW WITH EXAMINER**

Applicant's attorneys appreciate the Examiner's time and consideration in conducting the telephone interviews of November 20, 2003 and November 25, 2003. Applicant respectfully submits the following record of the telephone interviews of November 20, 2003 and November 25, 2003 under M.P.E.P. § 713.04.

The following persons participated in the interviews: Examiner Hung Q. Pham and Applicant's attorneys Jody Bishop and Thomas Kelton. Applicant's attorneys note with appreciation that the Examiner agreed to withdraw the finality of the outstanding Office Action.

In the telephone interview of November 20, 2003, a proposed amendment to claim 1 that was emailed to the Examiner on November 14, 2003 (for discussion purposes only) was discussed in reference to the applied art. Applicant's attorneys argued that the applied

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*Miyachi* fails to teach receiving by a reporting application actual data from a system. The Examiner indicated in agreement that the amendment to claim 1 presented in the email of November 14, 2003 would likely distinguish claim 1 over *Miyachi* but indicated that such an amendment would require a new search and thus would not be entered after the Final Office Action.

In addition the proposed amendment to claim 1, claims 4, 7, 13 and 18 as currently pending in the present application were also discussed. The Examiner indicated that claims 4 and 7 would be allowable over the applied art if rewritten in independent form.

With regard to independent claim 13, Applicant's attorneys argued that *Miyachi* does not teach computer executable software code for querying said system as specified by said request. With regard to claim 18, Applicant's attorneys argued that *Miyachi* does not teach receiving from a client application program a request to notify said client application program of a condition of an attribute of a system. The Examiner and Applicant's attorneys failed to reach agreement on these issues. No other claims were discussed.

In the telephone interview of November 25, 2003, the Examiner agreed to withdraw the finality of the outstanding Office Action to permit Applicant to amend claim 1 in the manner proposed in order to advance prosecution of the present application

### **INTRODUCTORY COMMENTS**

In view of the telephone interviews of November 20, 2003 and November 25, 2003, Applicant hereby presents amended claims 1, 4 and 7 and arguments for claims 13 and 18 for the Examiner's consideration.

In response to the Office Action dated September 29, 2003 (Paper No. 14), rejecting claims 1-14, 6-18 and 20-22, and in light of the withdrawal of the finality of those rejections please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper, wherein claims 1, 4, 7 and 13 are amended and claim 6 is canceled without prejudice.

**Remarks/Arguments** begin on page 8 of this paper.